

Special Session

Agenda Item #	9
Meeting Date	December 6, 2004
Prepared By	Barbara B. Matthews and Chief Cynthia Creamer
Approved By	T. Wayne Hobbs Deputy City Manager

Discussion Item	Amendment to the Takoma Park Code, Title 13, Vehicles and Traffic, to Increase Fines for Various Parking Violations and Adding Several New Provisions
Background	<p>On November 29, 2004, the Council held a work session to discuss the shortfall in funding for the Community Center project. During the work session, the Council reviewed a number of revenue enhancements and expenditure reductions/reallocations that had been proposed by the City Manager in mid-October.</p> <p>One of the ways proposed by the City Manager to increase revenues concerned the increase in fines for various parking violations. The Chief of Police recommends that the new fine structure be adopted in conjunction with the adoption of the updated/reformatted City Code to facilitate the printing of new ticket books.</p> <p>Additionally, Council expressed interest in adopting laws governing parking near a bus stop and vehicles parked without current registration. Council also discussed concern about the restrictiveness of “making other than emergency repairs” of vehicles parked on the street.</p>
Policy	The Council amends the City Code by adoption of a two reading ordinance.
Fiscal Impact	Approximately \$ 70,700 annual increase in fines due from parking violations. Additional costs (e.g., for court time) may be incurred but details to quantify are insufficient.
Attachments	Proposed ordinance to increase fines for various parking violations and adding three new violations.
Recommendation	Introduce and pass a 1 st reading of the Ordinance adopting the new codification of the Takoma Park Code.
Special Consideration	The ordinance is in draft form – it is being reviewed by the City Attorney. A revised draft ordinance will be provided to the Council Monday evening.

DRAFT DRAFT DRAFT

Introduced by: Councilmember
Drafted by: Chief Creamer

First Reading:
Second Reading:

Ordinance No. 2004-xx

(Amending Takoma Park Code to Change the Parking Violation Fine Schedule
and Add Additional Violations)

WHEREAS, Title 13, Vehicles and Traffic, of the Takoma Park Code dealing with the issuance and enforcement of tickets for parking violations is intended to aid the City's parking enforcement process and the regional effort for consistent, safe parking for all persons; and

WHEREAS, the fine schedule for numerous routine violations have been effective for more than six years and are now inconsistent with Montgomery County and other municipalities; and

WHEREAS, the Council desires to increase these fines, making them consistent with the neighboring jurisdictions; and

WHEREAS, the Council desires to add certain violations to Title 13.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that Takoma Park Code, Title 13, is amended as follows.

Section 13.04.020. Definitions.

"Unregistered vehicle" means any motor vehicle or trailer, except those exempted from registration by state law, which is without registration plates, with expired registration plates or with fictitious registration plates attached thereto.

Section 13.20.040 Parking or standing--Prohibited areas.

A.4. Within 15' of a fire hydrant or bus stop.

Section 13.20.090 Storing or parking vehicles.

~~No person shall store or park an automobile or motor vehicle not having current license plates displayed thereon or any automobile parts or other unsightly article on any public or private property for more than 30 days consecutively, except in a garage or licensed commercial establishment or otherwise effectively screened from public view. (Prior code § 13-68)~~

A. It shall be unlawful to park any unregistered motor vehicle or trailer upon the highways, roads, streets or other public property in the City at any time. No unregistered motor vehicle or trailer shall be parked in violation of this section.

B. No person shall store or park any automobile parts or other unsightly article on any public or private property or any unregistered motor vehicle on any private property for more than 30 days consecutively, except in a garage or licensed commercial establishment or otherwise effectively screened from public view.

C. It shall be unlawful for any person, business or corporation to perform service or repairs on a vehicle parked on a public street within the City, or to store or park on any public street, any motor vehicle left in the custody of any business; provided however, that this section shall not apply to

1. emergency service or repairs;

2. vehicle owners performing minor service or repairs on their respective vehicles otherwise legally parked and operative; or

3. the accommodation for the immediate transfer, exchange or removal of a vehicle to or from a garage, repair shop, service or parking facility.

Section 13.20.020 Parking prohibitions.

I. ~~On any highway for the purpose of making repairs, except those of a minor nature, and then only in case of emergency;~~

Section 13.40.010 Schedules of fines and charges, is amended to read as follows:

Section 13.40.010 Schedule of fines and charges.

The amount of fines, additional penalties and service charges for violations of this title shall be as follows:

Chapter/Section	Brief Description	Fine	Penalty ¹	Service Charge ²
Chapter 13.12	Parking meter regulations	\$35.00	\$35.00	\$15.00
Section 13.20.010	Impeding Traffic	\$40.00	\$40.00	\$15.00
Section 13.20.020	Any not designated below	\$35.00	\$35.00	\$15.00
	Within Intersection	\$40.00	\$40.00	\$15.00
	On Bridge/Underpass	\$40.00	\$40.00	\$15.00
	On Crosswalk	\$45.00	\$45.00	\$15.00
Section 13.20.030	Residential Permit Parking Violation	\$40.00	\$40.00	\$15.00
Section 13.20.040	Any not designated below	\$35.00	\$35.00	\$15.00
	Violation of Official Sign	\$40.00	\$40.00	\$15.00
	Within 5' of Driveway	\$40.00	\$40.00	\$15.00
	Within 15' of Fire Hydrant	\$45.00	\$45.00	\$15.00
Section 13.20.040(B)	Fire lanes	\$250.00	\$100.00	\$15.00
Section 13.20.040(C)	Handicapped parking	\$250.00	\$100.00	\$15.00
Section 13.20.060	Any	\$35.00	\$35.00	\$15.00
Section 13.20.080	Any	\$40.00	\$40.00	\$15.00
Section 13.20.090	Any not designated below	\$35.00	\$35.00	\$15.00
	Parking an unregistered vehicle	\$40.00	\$40.00	\$15.00
Section 13.24.030	Emergency or temporary no parking and no traffic zones	\$40.00	\$40.00	\$15.00
Section 13.24.040	Snow emergency	\$100.00	\$100.00	\$15.00
Section 13.24.050	Towing and impounding	Fine for the violation, plus towing/ storage charges.	\$15.00	\$15.00 ³

NOTES:

¹ See Section 13.36.030. A penalty for late payment is imposed if the fine for the violation is not paid within 15 days from the date of issuance of the parking ticket.

² See Section 13.36.030. A service charge is imposed if payment of the fine is made more than 30 days after the date of issuance of the parking ticket.

³ See Section 13.24.050. In any case involving the towing or impounding of a vehicle, the service fee of \$15.00 is imposed immediately and must be paid before the vehicle may be released to the owner or his or her authorized agent. (Prior code § 13-81)

In lieu of the existing:

Chapter/Section	Brief Description	Fine	Penalty ¹	Service Charge ²
Chapter 13.12	Parking meter regulations	\$10.00	\$10.00	\$15.00
Chapter 13.20; except Sections 13.20.040(B) and 13.20.040(C)	Parking prohibitions (Section 13.20.020); residential permit parking (Section 13.20.030); prohibited parking areas (Section 13.20.040); manner of parking (Section 13.20.060); displaying "for sale" sign on parked vehicle (Section 13.20.070); commercial vehicle parked in residential zone (Section 13.20.080); storing or parking vehicles (Section 13.20.090)	\$25.00	\$25.00	\$15.00
Section 13.20.040(B)	Fire lanes	\$100.00	\$250.00	\$15.00
Section 13.20.040(C)	Handicapped parking	\$200.00	\$250.00	\$15.00
Section 13.24.030	Emergency or temporary no parking and no traffic zones	\$25.00	\$25.00	\$15.00
Section 13.24.040	Snow emergency	\$100.00	\$100.00	\$15.00
Section 13.24.050	Towing and impounding	Fine for the violation, plus towing/ storage charges.	\$15.00	\$15.00 ³

This Ordinance shall be effective 60 days after adoption.

ADOPTED this ____ day of _____, 2004 by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT: